



General Assembly

January Session, 2003

Committee Bill No. 5034

LCO No. 3337

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT REQUIRING LAW ENFORCEMENT OFFICIALS TO CHECK
THE NATIONAL CRIME INFORMATION CENTER COMPUTER
SYSTEM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 54-63c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
5 which the court or a judge thereof has indicated that bail should be
6 denied or ordered that the officer or indifferent person making such
7 arrest shall, without undue delay, bring such person before the clerk or
8 assistant clerk of the superior court for the geographical area under
9 section 54-2a, when any person is arrested for a bailable offense, the
10 chief of police, or the chief's authorized designee, of the police
11 department having custody of the arrested person shall promptly
12 advise such person of the person's rights under section 54-1b, and of
13 the person's right to be interviewed concerning the terms and
14 conditions of release. Unless the arrested person waives or refuses
15 such interview, the police officer shall promptly interview the arrested

16 person to obtain information relevant to the terms and conditions of
17 the person's release from custody, and shall seek independent
18 verification of such information where necessary. At the request of the
19 arrested person, the person's counsel may be present during the
20 interview. After such a waiver, refusal or interview, the police officer
21 shall promptly order release of the arrested person upon the execution
22 of a written promise to appear or the posting of such bond as may be
23 set by the police officer, except that no condition of release set by the
24 court or a judge thereof may be modified by such officer and no person
25 shall be released upon the execution of a written promise to appear or
26 the posting of a bond without surety if the person is charged with the
27 commission of a family violence crime, as defined in section 46b-38a,
28 and in the commission of such crime the person used or threatened the
29 use of a firearm. When cash bail in excess of ten thousand dollars is
30 received for a detained person accused of a felony, where the
31 underlying facts and circumstances of the felony involve the use,
32 attempted use or threatened use of physical force against another
33 person, the police officer shall prepare a report that contains (1) the
34 name, address and taxpayer identification number of the accused
35 person, (2) the name, address and taxpayer identification number of
36 each person offering the cash bail, other than a person licensed as a
37 professional bondsman under chapter 533 or a surety bail bond agent
38 under chapter 700f, (3) the amount of cash received, and (4) the date
39 the cash was received. Not later than fifteen days after receipt of such
40 cash bail, the police officer shall file the report with the Department of
41 Revenue Services and mail a copy of the report to the state's attorney
42 for the judicial district in which the alleged offense was committed and
43 to each person offering the cash bail. No police officer shall set the
44 terms and conditions of a person's release, set a bond for a person or
45 release a person from custody under this subsection unless the police
46 officer has first checked the National Crime Information Center (NCIC)
47 computerized index of criminal justice information to determine if
48 such person is listed in such index. If the arrested person has not
49 posted bail, the police officer shall immediately notify a bail

50 commissioner.

This act shall take effect as follows:
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Section 1	October 1, 2003
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Statement of Purpose:

To ensure that law enforcement officials have full information about persons in their custody by requiring such officials to check the NCIC computerized index of criminal justice information prior to setting bond for such persons or releasing such persons from their custody.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WITKOS, 17th Dist.

HB 5034